for and wrongfully retained by such officer accrues at the end of each quarter when the allowance of salary is made.

2. An action upon the official bond of a county clerk to recover for fees received and not accounted for was commenced more than four years after the last allowance of salary was made to him by the board of county commissioners. Held, That the action was barred by the three year statute of limitations. Civil code, sec. 18, subdiv. 2; Ryus v. Gruble, 31 Kas., 767.

All the justices concurring. A true copy. Attest: [SEAL] Clerk:

C. J. BROWN Clerk Supreme Court.

The Board of Railroad Commissioners of the State of Kansas, et al. vs. The Symns Grocer Company, et al.

Error from Atchison County.

REVERSED.

BY THE COURT. JOHNSTON, J

The board of railroad commissioners made a finding and decision reducing rates of freight upon car load lots of sugar, coffee, beans and canned goods, making them considerably less than the rates upon the same commodities when shipped in less than car-load lots. A shipper, whose business mostly required the use of the rates fixed for less than car loads, and who claimed that the proposed rates would operate to his injury and to the benefit of other shippers who would use the car-load rates, brought an action against the board to enjoin it from promulgating and putting in rates, brought an action against the board to enjoin it from promulgating and putting in force the new schedule of rates contending, not that they were unreasonably low or unremumerative to the carrier, but that the enforcement of them, without making a reduction of the rates for the shipment of smaller quantities, was a discrimination against him which should be enjoined. Hold, That the plaintiff had no such interest as entitled him to enjoin the board from putting in force its finding and decision, and that he was not entitled to the relief demanded.

All the justices concurring.

A true copy.

Attest:

(S.J. BROWN, [SEAL]

(Clerk Supreme Court.

Benjamin F. Horne vs. Hegwer Salt and Lumber Company.

Error from Reno county.

REVERSED.

SYLLABUS.

BY THE COURT. ALLEN, J.

Where there is any evidence fairly sustaining all the facts necessary to a recovery, a demurrer to the evidence ought not to be sus-

Horton, C. J., and Johnston, J., concurring

specially.
A true copy.
Attest:
[SHAL]

C. J. BROWN. Clerk Supreme Court.

Amanda Jenkins vs. James J. Henry.

Error from Graham County.

AFFIRMED,

SYLLABUS.

BY THE COURT. ALLEN, J.

J. owned a quarter section of land which he occupied as a homestead with some of his children for a number of years. Plaintiff was his wife. After all of his children had left the land, J. alone executed a deed for it to defendant, and then abandoned his homestead. Plaintiff, who had never before been in Kansas, soon after joined her husband, and after his death took possession of the land, and brought this suit to set aside the deed. The trial court made a general finding for the defendant and rendered judgment thereon in his favor. This judgment is upheld.

All the justices concurring.
A true copy.

Attest:

[SEAL] Clerk Supreme Court.

N. B. Thompson, et al, vs. Michael Niggley, et al.

Error from Marshall County.

AFFIRMED.

BY THE COURT.

ALLEN, J.

Written securities extorted by means of threats of prosecution for criminal offences of which the party threatened was guilty in fact, but which were in no manner connected with the demand for which compensation was sought, may be avoided by the parties executing them, not only in the hands of the original value of his assignees having notices of payee, but of his assignees having notice of the circumstances under which such securities

rere taken.
All the justices concurring.
A true copy.
Attest:
[SEAL] Clerk !

C. J. BROWN, Clerk Supreme Court.

6965

Mary A. Yount, Administratrix of George W. Yount, Deceased vs. Walter Denning, et al.

Error from Cowley County.

REVERSED.

BY THE COURT. ALLENJ.

agent without having obtained a license so to do, imposed a semi-annual licence tax of \$10 on each person engaged in the business, and a fine for a violation of the ordinance. The plaintiffs below carried on the business of real estate agents in said city without having paid the licence tax, and in violation of the provisions of the ordinance.

2. In this case they sue for a commission on a sale negotiated by them while so carrying on said business, Held, That the transaction is unlawful on their part and they cannot recover.

cover.
All the justices concurring.

A true copy. Attest: [SEAL]

C. J. BROWN, Clerk Supreme Court.

The City of Hutchinson vs. Pat Holland.

Error from Reno County

REVERSED.

BY THE COURT.

On the trial of a prosecution for the unlawful sale of intoxicating liquor under a general charge, where the prosecution offers testimony to prove two distinct sales, and at the close of the plaintiff stestimony, is required to elect on which sale it will rely, it is error for the court after the conclusion of the defendant's testimony to set aside the election and instruct the jury that they have only to consider the evidence as to the other sale, on which plaintiff had not elected to rely.

All the justices concurring.

A true copy.

A true copy. Attest: [SEAL]

C. J. BROWN, Cterk Supreme Court.

School District, No. 8, of Jefferson County vs. J. M. Gibbs, as County Clerk, and Others.

Error from Jefferson County.

AFFIRMED.

BY THE COURT.

A school district cannot by injunction re-strain the collection of taxes on lands regu-larly detatched from its territory, and included in a nowly formed school district, nor restrain the school district officers of such newly created district from acting as such, nor control the action of the county superin-tendent in the discharge of his official duties in relation thersto. in relation thereto.

All the justices concurring.

A true copy. Attest: [SEAL]

C. J. BROWN, Clark Supreme Court.

Board of Education of the City of Caldwell vs Exra Spencer, County Treasurer, and Others.

Original Proceeding in Mandamus.

Motion to Quash Writ Sustained.

BY THE COURT. Where it appears from the alternative writ of mandamus, that a long and complicated accounting must precede a final disposition of the case, the court will not attempt by mandamus to determine the rights of the parties. All the justices concurring.

A true copy.

Attest:

C. J. BROWN.

C. J. BROWN, Clerk Supreme Court.

IN THE SUPREME COURT OF THE STATE OF KANSAR,

I, C. J. Brown, clerk of the supreme court of the state of Kansas, do hereby certify that the foregoing are true and correct copies of the syllabic of the decisions in the above entitled cases as the same appear on file in my office. Witness my hand and the seal of the supreme court, this 8th day of January, 1894.

C. J. BROWN.

C. J. BROWN, Clerk Supreme Court.

Publishers' Paragraphs-

You are going to use seeds of some kind this year, and before you buy them send to R. H. Shumway, Rockford, Ill., for the largest, best illustrated and finest all-round seed catalogue ever seen. This catalogue is sent free by mail prepaid. For over thirty-five years Mr. Shumway has been growing and selling garden seeds, and "once a customer always a customer" is the rule with people who 18, 1890, in speaking of old line insurance: trade with him. See his advertisement "Very few companies offer their policies

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Does not this clearly prove that old



line insurance is more investment than it is insurance?

Does this not clearly prove that the cost of insurance in old line companies is entirely too high?

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The SPECIAL ANNOUNCEMENT which appeared in our columns some time since, announcing a special arrangement with Dr. B. J. Kendall Co., of Enosburgh Falls, Vt., and his Diseases," whereby our subscribers were enabled to obtain a copy of that valuable work FREE by sending their address (and inclosing a two-cent stamp for mailing same) to Dr. B. J. Kendall Co., is renewed for a limited period. We trust all will avail themselves of the opportunity of obtaining this valuable work. To every lover of the horse it is indispensable, as it treats in a simple manner all the diseases which afflict this noble animal. Its phenomenal sale throughout the United States and Canada makes it standard authority. MEN-TION THIS PAPER WHEN SENDING FOR THE TREATES.